

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT

2015-2017 MOA

ELEMENT 9 - NARRATIVE

CORRECTIVE ACTIONS/SANCTIONS

Pursuant to the Division of Employment and Training (DET) Workforce Investment Act Policy Manual Guide, grantees are required to participate in monitoring reviews conducted by any State or Federal agency. The grantee must provide State level monitors with all necessary program, participant and fiscal records that are requested at the time of an on-site or desk review.

Findings of noncompliance may be identified during the desk review process, on-site monitoring reviews of the grantee's programs. In situations where violations or noncompliance may be evidenced, the grantee will be notified by DET of the violation, made aware of the risk of sanctions for noncompliance and will be provided with an appropriate opportunity to respond. All notices of findings will address the possible sanction if: (1) the violation or problem is not remedied, (2) appropriate clarifications are not submitted and adhered to, or (3) the appropriate corrective action has not been undertaken.

The Policy Manual Guide identifies the requirements for Corrective Action/Notification of Sanctions. If an acceptable corrective action plan is presented to DET within 10 working days of the notice of violation or discrimination, DET may do one of the following: (1) postpone the initiation of sanctions; (2) lift the sanctions; or (3) impose the sanctions.

Corrective action plans must be designed to completely remedy the violations. Timeframes to rectify noncompliance are included in the corrective action plan and will be established in a manner to assure deliberate efforts are made timely to rectify the violation as soon as possible. Interim status reports may also be required to be submitted to the E.O Officer to assure oversight of progress toward compliance. The WIA Programs Policy Manual Guide policy on corrective action/sanctions entitled "Assurances and Certifications" is addressed in Chapter 7 - 2 Page 101. Specific excerpts regarding monitoring reviews and requirements for corrective action and notification of sanctions are provided in the following link at:

http://dwd.wisconsin.gov/dwdwia/PDF/wia_wisconsin_policy_manual.pdf.

If findings of noncompliance are noted during on-site monitoring, DET will notify the grantee of monitoring findings in writing within 30 days following an On-site Compliance Monitoring Exit Conference. In such cases, any findings of noncompliance will include the following: (1) the area of noncompliance; (2) the corrective action to be taken; (3) a date of completion; and (4) any required reports or other evidence to be provided by the grantee as evidence of compliance; and the potential sanctions for noncompliance.

Sanctions will be considered a last resort. Technical assistance, clarification and reasonable corrective action opportunities will always be offered first. Sanctions will be

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imposed where voluntary compliance is not achieved. The seriousness and frequency of a violation will be considered in determining the sanction(s) to be applied. The deliberateness, seriousness and/or frequency of the violations will determine the precise nature of a sanction, up to and including termination of funds in whole or in part. Sanctions may also result due to a referral from an appropriate governmental agency, referral from a law enforcement agency as a result of prosecution or other action as provided by law. In the case of a finding of discrimination, procedures for past and future relief will be addressed, including back pay as may be warranted, and/or future actions such as policy development or clarification, or improved communication or training.

Violations may range in seriousness from a technical violation to a more serious violation of discrimination. DET will impose sanctions based on the severity of the violation and according to the DET Sanctions Policy. Appeals may be made to the Division Administrator of DET within 10 working days after receipt of notification of pending sanctions. Such an appeal, however, will not forestall the initiation of sanctions. DET will continue to conduct periodic reviews and monitoring of its grantees' activities for compliance. The E.O Officer works with the grantee to correct any deficiencies and provides follow-up monitoring to assure the corrective action plan results are achieved within the specified timeframes. The E.O Officer prepares analysis, recommendations and communications on monitoring findings, corrective action and sanctions for the Division Administrator's signature. The E.O Officer also reviews corrective action progress reports as may be required by corrective action plans and assures communication as appropriate.